IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 592 of 2000

Shri Prakash Hanamant Patil ..Appellant

V/s

Sou.Chaya Prakash Patil @
Chaya Shanka Banxsode .. Respondent

Kumari Nayana Thatte i/b S.M.Oak for Appellant

Shri S.G.Deshmukh for Respondent

CORAM:S.R.SATHE,J.

DATED:8th March 2006

P.C.:-

1. Heard both the learned Advocates.

2. Perused the judgment of the first appellate court as well as trial Court.

3. Husband had filed petition under Section 13 of Hindu Marriage Act claiming divorce on the ground of cruelty and desertion. The Respondent-wife opposed the claim.

4. The trial Court after considering evidence adduced by both the parties was pleased to pass a decree for

judicial separation.

5. Being aggrieved wife filed first Appeal No.39 of 1997. The first Appellate Court after considering the evidence came to the conclusion that husband had failed to establish that wife had treated him with cruelty as contemplated under Section 13(1)(ia) of Hindu Marriage Act, 1955. From perusal of the judgment it appears that the first appellate court has taken into consideration all the facts and circumstances and has reached to the conclusion that there was no cruelty at the hands of the wife as contemplated under the Act. The first appellate Court allowed the appeal.

6. There is no substantial question of law in this case. All that learned Advocate for appellant has submitted is that there is no proper appreciation of evidence on record. However, it is very clear that the first appellate court has taken into consideration each and every circumstance and conclusion drawn by him cannot be said to be perverse. Hence there is no substantial question of law involved in this matter and as such the appeal shall have to be dismissed in limine.

(S.R.SATHE,J.)